

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ARM & RAGE, LLC)	MB Docket No. 22-122
)	
WJBE(AM), Powell, TN)	Facility ID No. 59693

ORDER

Issued: October 3, 2022

Released: October 3, 2022

1. On September 29, 2022, the FCC’s Enforcement Bureau filed a motion to compel Arm & Rage, LLC, to submit more complete responses to its request for production of documents.¹ The Bureau indicates that it served its initial document request on Arm & Rage on July 26, 2022, and that Arm & Rage responded on August 5, 2022, but did not produce all of the information requested. The Bureau further submits that it has been negotiating with Arm & Rage to secure the production of additional documents but that the parties have reached an impasse. On September 30, 2022, Arm & Rage requested additional time to respond to the Bureau’s motion to compel because its lead counsel will be out of the country until October 5, which, pursuant to section 1.294 of the Commission’s rules, 47 CFR § 1.294, is the date its response is due.² Arm & Rage seeks an extension until Monday, October 10, 2022, to file its response, and notes that the Enforcement Bureau does not oppose the request. The Presiding Judge finds good cause to grant Arm & Rage additional time to respond to the Enforcement Bureau’s motion to compel. Because October 10 is a federal holiday, the pleading will now be due by 11:59 pm on Tuesday, October 11, 2022.

2. In addition, the Presiding Judge takes this opportunity to clarify an evidentiary issue that she previously indicated she would consider at a later date.³ At the outset of this hearing proceeding, the Enforcement Bureau requested that the Presiding Judge make clear that, “as a general rule, all documents or information requested during the discovery period must be produced before the deadline for completion of discovery to be used as evidentiary support for any party’s written case submissions.”⁴ At the initial status conference in this proceeding, Arm & Rage stated that it was amenable to the Bureau’s suggestion.⁵ Having considered the matter, the Presiding Judge intends that all documents or information requested during the discovery period that are to be used as evidentiary support for any party’s written case must be produced before the deadline for completion of discovery, unless good case can be shown why production was not

¹ Enforcement Bureau’s Motion to Compel Complete Responses to its First Set of Requests for Production, MB Docket No. 22-122 (filed Sept. 29, 2022); Enforcement Bureau’s Motion for Leave to File Motion to Compel Complete Responses to its First Set of Requests for Production, MB Docket No. 22-122 (filed Sept. 29, 2022).

² Arm & Rage’s Unopposed Motion for Extension of Time, MB Docket No. 22-122 (filed Sept. 30, 2022).

³ *Arm & Rage, LLC*, Order Summarizing Initial Status Conference, MB Docket No. 22-122, FCC 22M-14 (ALJ May 18, 2022) at para. 4.

⁴ Enforcement Bureau’s Response to *Initial Case Order*, FCC 22M-10, MB Docket No. 22-122 (filed May 13, 2022) at para. 4.

⁵ *Arm & Rage, LLC*, Transcript of Initial Status Conference, MB Docket No. 22-122 (May 17, 2022) at Tr. 14:11 – 15:1.

possible during the discovery period. The Presiding Judge will entertain further comment on this issue, if either party so desires, by October 11, 2022.

3. Accordingly **IT IS ORDERED** that Arm & Rage's Unopposed Motion for Extension of Time, filed September 30, 2022, **IS GRANTED**; the revised due date for its response to the Enforcement Bureau's Motion to Compel Complete Responses to its First Set of Requests for Production is on or before **OCTOBER 11, 2022**.

4. **IT IS FURTHER ORDERED** that the Enforcement Bureau's Motion for Leave to File Motion to Compel Complete Responses to its First Set of Requests for Production, filed September 29, 2022, **IS GRANTED**.⁶

5. **IT IS FURTHER ORDERED** that any party seeking to address the evidentiary issue discussed in paragraph 2, above, is to file comments on or before **OCTOBER 11, 2022**.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge

⁶ Arm and Rage states in its Motion for Extension of Time that it does not object to the Bureau's Motion for Leave.